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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 1st February, 1980:—

BILL No. 8 OF 1980

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1980.

Short
title.

2. In the Eighth Schedule to the Constitution,—

Amend-
ment of
Eighth
Schedule.

(a) entries 9 to 15 shall be re-numbered as entries 10 to 16 respectively, and

(b) before entry "10" as so re-numbered, the entry "9. Nepali" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Nepali is a daughter language of Sanskrit. The Nepali script is definitely Indian, as there is no difference between the Nagari script used for modern Hindi and the script used for modern Nepali. Bengali and Nepali languages have very close affinity.

There are two to three crores of Nepali-speaking people in India. The actual figure might be much higher, as Nepali is one of the dominant languages of the lower Himalayan and sub-Himalayan regions. As a matter of fact, Nepali is a kind of *lingua franca* used widely throughout the Himalayan area.

It is, therefore, in the fitness of things that this language be added to the Eighth Schedule of the Constitution.

Hence this Bill.

CHITTA BASU.

NEW DELHI;
January 18, 1980.

BILL NO. 10 OF 1980

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1980. Short title.
2. In article 31C of the Constitution,—Amendment of article 31C.
 - (a) for the words and figures “all or any of the principles laid down in Part IV”, the words, brackets, letters and figures “the principles laid down in clause (b) or clause (c) of article 39” shall be substituted;
 - (b) the words “and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy.” shall be omitted.
3. Part XIVA of the Constitution shall be omitted. Omission of Part XIVA.

Amend-
ment of
article
366.

4. Article 366 of the Constitution shall be renumbered as clause (2) of that article, and before clause (2) as so renumbered, the following clause shall be inserted, namely:—

(1) In the Preamble to this Constitution,—

(i) the expression “REPUBLIC”, as qualified by the expression “SECULAR”, means a republic in which there is equal respect for all religions; and

(2) the expression “REPUBLIC”, as qualified by the expression “SOCIALIST” means a republic in which there is freedom from all forms of exploitation, social, political and economic.’

Amend-
ment of
article
368.

5. In article 368 of the Constitution,—

(a) in clause (2), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that if such amendment—

(a) seeks to make any change which, if made, would have the affect of—

(i) impairing the secular or democratic character of this Constitution; or

(ii) abridging or taking away the rights of citizens under Part III; or

(iii) prejudicing or impeding free and fair elections to the House of the People or the Legislative Assemblies of States on the basis of adult suffrage; or

(iv) compromising the independence of the judiciary; or

(b) seeks to amend this proviso, the amendment shall also require to be approved by the People of India at a referendum under clause (4)’;

(b) for clauses (4) and (5), the following clauses shall be substituted, namely:—

“(4) The referendum for the purpose of seeking the approval of the people of India for any amendment of the nature referred to in the second proviso to clause (2) shall be through a poll, and—

(i) all persons who are for the time being eligible to be voters under article 326 at elections to the House of the People shall be entitled to vote at such poll; and

(ii) any such amendment shall be deemed to have been approved by the people of India if such amendment is approved by a majority of the voters voting at such poll and the voters voting at such poll constitute not less than fifty-one per cent. of the voters entitled to vote at such poll.

(5) The superintendence, direction and control of the preparation of the rolls of voters for, and the conduct of, every

referendum under this article shall vest in the Election Commission and the result of such referendum as declared by the Election Commission shall not be called in question in any court.

(6) Subject to the provisions of clauses (4) and (5) Parliament may from time to time by law make provision with respect to all matters relating to or in connection with referenda under this article, including the preparation of the rolls of voters.”.

6. In the Seventh Schedule to the Constitution,—

Amend-
ment of
the
Seventh
Sche-
dule.

(a) in List I-Union List, entry 2A shall be omitted;

(b) in List II-State List,—

(i) in entry 1, for the words “the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof”, the words “the use of naval, military or air forces or any other armed forces of the Union” shall be substituted;

(ii) for entry 2, the following entry shall be substituted, namely:—

“2. Police, including railway and village police.”;

(iii) after entry 10, the following entry shall be inserted, namely:—

“11. Education, including universities, subject to the provisions of entries 63, 64, 65 and 66 of List I and entry 25 of List III.”;

(iv) after entry 18, the following entry shall be inserted, namely:—

“19. Forests.”;

(v) in entry 41, for the words “State public services”, the words, figures and letter “State public services subject to the provisions of entry 11B of List III” shall be substituted;

(c) In List III-Concurrent List —

(i) after entry 11A, the following entry shall be inserted, namely:—

“11B. Adjudication or trial by tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of a State or of a local or other authority subject to the control of a State Government.”;

(ii) entry 17A shall be omitted;

(iii) for entry 25, the following entry shall be substituted, namely:—

“25. Vocational and technical training of labour.”;

STATEMENT OF OBJECTS AND REASONS

The Constitution (Forty-second Amendment) Act was passed with the object of institutionalising the dictatorship. The said amendment Act was a severe blow to the concept of Parliamentary democracy. The distortions caused by the said amendment Act in the Constitution of our country need to be corrected.

Lok Sabha, with that object in view, passed the Constitution (Forty-fourth Amendment) Bill.

The Rajya Sabha in its wisdom made certain amendments in the Constitution (Forty-fourth Amendment) Bill as passed by Lok Sabha. Lok Sabha accepted those amendments. The distortions which crept into the Constitution as the consequence of the Constitution (Forty-second Amendment) Act, therefore, continue to remain. It is felt necessary to erase those distortions at the earliest opportunity.

This Bill seeks to achieve the removal of those distortions.

NEW DELHI;

CHITTA BASU.

January 18, 1980.

FINANCIAL MEMORANDUM

Sub-clause (a) of clause 5 of the Bill seeks to insert an additional proviso in clause (2) of article 368 of the Constitution. This proviso provides for a requirement as to approval by the people of India at a referendum with respect to amendments of the nature specified therein. According to the amendments proposed in sub-clause (b) of clause 5, Parliament may from time to time by law make provision with respect to the matters relating to, or in connection with, such referenda, including the preparation of the rolls of voters. The holding of a referendum for the aforementioned purposes will involve expenditure. The expenditure which will be involved will depend upon the provisions which Parliament may make with respect to such referenda.

However, as the steps involved in holding a referendum such as the preparation of the rolls of voters, the conduct of the poll, etc., are similar to those involved in general elections to Lok Sabha, the expenditure which a referendum would involve would be approximately the same as that involved in the conduct of general elections to Lok Sabha. On this basis, it is estimated that the expenditure on the preparation of the rolls of voters will be approximately Rs. 10 crores and on the conduct of a referendum will be approximately Rs. 30 crores. In the case of general elections, half of the expenditure on the preparation of the rolls of voters is shared by the State Governments. However, if the rolls of voters are revised and prepared for the purpose of a referendum only, the full expenditure on that account will be borne by the Central Government. Thus, the total expenditure in respect of each referendum is likely to be to the tune of Rs. 40 crores, as a rough estimate. This expenditure will be of a recurring nature as the same will have to be incurred on each occasion when a referendum becomes necessary. Having regard to the nature of amendments which require to be approved at a referendum, the possibility of any such amendments being initiated is very remote. Further, the electoral rolls maintained for purposes of elections to Lok Sabha can be utilised for the purposes of the referendum. If a referendum is held in the same year in which a general election takes place, the electoral rolls will not require much revision and, as such, there will be no expenditure on the revision and preparation of the electoral rolls on such referendum. If, however, the referendum is held simultaneously with the General Elections, the additional expenditure, which would be incurred, will be negligible. The law which Parliament may make with respect to matters relating to referenda will no doubt take into account the various factors which will help in reducing the expenditure on account of referenda. There will be no non-recurring expenditure.

BILL No. 9 OF 1980

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1980.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
article
311.

2. In article 311 of the Constitution, part (c) of second proviso to clause (2) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Article 311 of the Constitution provides for the dismissal, removal, or reduction in rank of persons employed in civil capacities under the Union or a State. But it has provided that no such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges. Other safeguards have also been provided to ensure natural justice.

However, in part (c) of second proviso to clause (2) of the said article it has been provided that no such inquiry shall be necessary if the President or Governor, as the case may be, is satisfied that in the interest of the security of State it is not expedient to hold such inquiry. This is felt to be an anachronism and likely to do mischief. The object of the Bill is to do away with this.

NEW DELHI;
January 12, 1950.

CHITTA BASU

BILL No. 11 of 1980

A Bill further to amend the Constitution of India.

Enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1980.

Amend-
ment of
article
102.

2. In article 102 of the Constitution existing clause (2) shall be re-designated as 'Explanation' to clause (1) thereof and after clause (1) as so amended, the following new clause shall be inserted, namely:—

"(2) A person shall be disqualified for continuing as a member of either House of Parliament if he, having been elected as such member, gives up his membership of the political party by which he was set up as a candidate in such election or of which he became a member after such election."

Amend-
ment of
article
103.

3. In article 103 of the Constitution, in clause (1),—

(a) for the words, brackets and figures "clause (1) of article 102", the words, brackets and figures "clause (1) or clause (2) of article 102" shall be substituted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that the President shall not entertain any question as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (2) of article 102 unless the question has been referred for his decision by the political party or any person or authority authorised by it in this behalf."

STATEMENT OF OBJECTS AND REASONS

The problem of political defections has become so acute that it has been agitating the minds of all concerned. A Committee of Lok Sabha has already gone into this problem. When the report of the Committee was considered, it was felt that the recommendation that a defector should be rendered ineligible for certain offices of profit for a stipulated period would not provide an adequate solution and that it would be more appropriate to amend the Constitution with a view to disqualifying a defector from his continued membership of the Legislature.

2. The Bill seeks to achieve the above objective.

New Delhi ;
January 18, 1968.

MADHU BANDAVATE

BILL No. 28 of 1980

A Bill to declare the minority character of the Aligarh Muslim University.

WHEREAS the Aligarh Muslim University created by the Aligarh Muslim University Act, 1920, was so created as a result of the impetus provided by Sir Syed Ahmed Khan who conceived the idea of imparting liberal education to Muslims in literature and science along with instruction in Muslim religion and tradition; 40 of 1920.

AND WHEREAS the Muslim University Association was set up for purpose of establishing a teaching university at Aligarh;

AND WHEREAS the Muslim community collected a sum of Rs. 30 lakhs which became a permanent endowment to meet the recurring expenses of the University;

AND WHEREAS the Act of 1920 conferred power on the Court of the University to make statutes providing that instruction in Muslim religion be compulsory for Muslim students;

AND WHEREAS the entire history of the University points to one conclusion only that the University was established by Muslims for Muslims;

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short
title and
commence-
ment.

1. (1) This Act may be called the Aligarh Muslim University (Restoration of Minority Character) Act, 1980.

(2) It shall come into force at once.

Declara-
tion of
minority
character
of the
Univer-
sity.

2. It is hereby declared that the University known as the Aligarh Muslim University created by the Aligarh Muslim University Act, 1920, 40 of 1920 is an educational institution established by the Muslims, a religious minority in India.

STATEMENT OF OBJECTS AND REASONS

Until the Government tinkered with the Aligarh Muslim University Act, 1920, by the Amendment Act of 1965, no one ever entertained any doubt that the Aligarh Muslim University was established by Muslims primarily for the benefit of Muslims. Despite promises to the contrary, successive Governments destroyed all the important features of the University, its minority character, its autonomy and its democratic functioning. In accordance with the election promise, the Janata Government restored the last two features. The first could not, however, be restored on the mistaken assumption that the judgement of the Supreme Court in *S. Azeez Basha and Another v. Union of India*, reported in 1968 (1) S.C.R. 833, presents a constitutional obstacle. The judgement is inconsistent with other judgements of the Supreme Court and did not take into account vital facts which undoubtedly would have led to a contrary conclusion. The Bill is intended to meet a demand of the Muslim community in India, which is backed by intense emotion widely prevalent amongst the members of the community.

NEW DELHI;
January 18, 1980.

RAM JETHMALANI

BILL NO. 15 OF 1980

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1980.

Amend-
ment of
Order
XXXVIII.

2. In the Code of Civil Procedure, 1908, in the First Schedule, in § of 1908. Order XXXVIII,—

(i) after rule 5, the following rule shall be inserted, namely:—

Defendant
to furnish
security
in certain
cases.

“5A. Notwithstanding any law for the time being in force, in every suit filed by the Government or by any public undertaking or public enterprise or by any nationalised bank against any citizen, firm or private or public limited company for recovery of any sum, whether liquidated or unliquidated by way of compensation, damages or otherwise on the basis of breach of contract or any other civil liability or otherwise, the Court shall direct the defendant on the application of the plaintiff to furnish security for such sum as may be mentioned in the plaint.”;

(ii) after rule 6, the following rule shall be inserted, namely:—

Defen-
dant's
property
to be
attached
in case of
failure to
furnish
security.

“6A. If the defendant fails to furnish such security within one week of the order of the Court, the Court shall order that all property of the defendant be attached and the attachment shall not be withdrawn until the final disposal of the suit.”;

STATEMENT OF OBJECTS AND REASONS

The common experience of last more than twenty years has been that the Government, the nationalised industries, public enterprises and Government statutory corporations have lost enormously in their suits against private parties and private or public companies in spite of their success in the courts of law because of the defects in the Code of Civil Procedure, 1908. What they obtain is ultimately a paper decree and no amount can be recovered. Lakhs of rupees are thus lost in litigation.

The Bill seeks to remedy this defect.

NEW DELHI;
January 21, 1966.

V. N. GADGIL,

BILL No. 12 OF 1980

A Bill further to amend the Trade and Merchandise Marks Act, 1958.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short
title,

1. This Act may be called the Trade and Merchandise Marks (Amendment) Act, 1980.

Insertion
of new
section
88A.

2. After section 88 of the Trade and Merchandise Marks Act, 1958, 43 of 1958, hereinafter referred to as the principal Act, the following section shall be inserted, namely:—

Offences
to be
cogni-
zable.

“88A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences mentioned in Chapter X of this 2 of 1974. Act shall be deemed to be cognizable.”

Amend-
ment of
section 89.

3. Sub-section (1) of section 89 of the principal Act shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Offences under the Trade and Merchandise Marks Act, 1958, have increased enormously during the last few years. As they are non-cognizable, it is difficult to bring the culprits to book. By the time a complaint is filed and search warrant is obtained, the goods disappear. It is, therefore, necessary to make these offences cognizable.

Hence this Bill.

NEW DELHI;
January 21, 1960.

V. N. GADGIL

BILL No. 13 of 1980

A Bill to provide for Security to the families of marginal farmers and Agricultural workers.

Enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short title
and com-
mence-
ment.

1. (1) This Act may be called the Marginal Farmers and Agricultural Workers Family Security Act, 1980.

(2) It shall come into force at once.

Definitions.

2. (a) 'family' means husband, wife and children;

(b) 'Act' means the Marginal Farmers and Agricultural Workers Family Security Act;

(c) 'marginal farmers' means a farmer owning half hectare of wet land or one hectare of dry land;

(d) 'agricultural worker' means a worker who has no land and works on a farm on daily wage basis;

(e) 'benefit' means the amount given to the legal heir of the deceased head of the family.

3. If a marginal farmer or an agricultural worker, who is the head of the family, dies before the age of 50 and if there is no major son in the family, his family shall be paid Rs. 5,000 by the Central Government.

Payment
in case of
death.

4. A Family Security Fund shall be constituted by the Central Government to implement the provisions of the Act.

Family
Security
Fund.

5. (1) Within one month of the death of the head of the family in which there is no major son, the legal heir of such person may apply to the respective State Government.

Procedure
for giving
benefit to
legal heir.

(2) The State Government, on receiving the application of the legal heir of the deceased head of the family, shall enquire into the case and, if found correct, recommend to the Central Government for giving benefit to the legal heir.

(3) On receiving the recommendation of the State Government, the Central Government shall give the benefit to the said legal heir.

STATEMENT OF OBJECTS AND REASONS

Many marginal farmers and agricultural workers meet with premature death due to various reasons. If they die before their fiftieth year and if there is no major male member in the house, the economy of the family will be shattered and the other members of the family will not be in a position to cultivate the land or earn anything for their livelihood.

At present the officials are having this benefit. As the marginal farmers and agricultural workers are very weak financially, they will not be able to contribute anything to the Family Security Fund.

Marginal farmers and agricultural workers are responsible for much of the agricultural production. Unless they are protected they will be ruined economically. If the head of the family dies and if there is no major male member in the family it is very difficult for that family to earn their livelihood. Therefore this Bill is quite necessary to provide security to the families of the above categories of persons.

NEW DELHI;

P. RAJAGOPAL NAIDU

January 21, 1930.

FINANCIAL MEMORANDUM

As there are social welfare departments in the States and at the Centre, there will be no non-recurring expenditure to implement the provisions of this Bill.

Out of 12 crores of families in our country, assuming that there are five persons in a family, there will be 2 crores of families belonging to marginal farmers and agricultural workers. The death rate before fifty is very small and therefore the fund to be spent will be less than Rs. 10 crores per annum. A recurring expenditure of about Rs. 10 crores is, therefore, likely to be involved from the Consolidated Fund of India.

BILL NO. 23 OF 1980

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1980. Short title.

2. Article 44 of the Constitution shall be omitted.

Omission
of arti-
cle 44.

STATEMENT OF OBJECTS AND REASONS

Article 44 of the Constitution is in effect a negation of the personal laws for the communities and is a cause of serious resentment especially among the Muslims. It is necessary to delete the article.

Hence this Bill.

NEW DELHI;
January 22, 1980.

G. M. BANATWALLA.

BILL No. 17 OF 1980

A Bill further to amend the Aligarh Muslim University Act, 1920.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Aligarh Muslim University (Amendment) Act, 1980. Short title.

40 of 1920. 2. In section 2 of the Aligarh Muslim University Act 1920, for clause (1), the following clause shall be substituted, namely:— Amendment of section 2.

‘(1) ‘University’ means the educational institution of their choice, established by the Muslims of India, and which was incorporated and designated as Aligarh Muslim University in 1920 by this Act.’.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks mainly to restore to the Aligarh Muslim University its minority character so as to give it the protection under article 30 of the Constitution.

NEW DELHI;
January 22, 1980.

G. M. BANATWALLA

BILL No. 26 OF 1980

A Bill further to amend the Industries (Development and Regulation) Act, 1951.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. (4) ~~This Act~~ may be called the Industries (Development and Regulation) Amendment Act, 1980.

Short
title and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

65 of 1951. 2. In section 18FB of the Industries (Development and Regulation) Act, 1951, after clause (5), the following clause shall be inserted, namely:—

Amend-
ment of
Section
18FB.

“(6) Notwithstanding and in furtherance of the power to provide relief, the controller or the authorised person in charge of the management of an industrial undertaking shall give relief, make payments, part payments or *ex gratia* benefits to the creditors or claimants who belong to the small scale industrial sector or whose capital structure does not exceed Rs. 20 lakhs, and such payments shall be made in lump sum or in instalments or in such manner or during such period as the controller or the authorised person deems fit but the extent of such relief or payment shall not exceed rupees twenty-five thousand at one time.

STATEMENT OF OBJECTS AND REASONS

Under the Industries (Development and Regulation) Act, 1951 (Act No. 65 of 1951) the Government had acquired the power to take over the management or control of certain industrial undertakings. Under section 18FB, all liabilities of such industrial undertakings remain suspended till the notified order remains in force. However, experience has shown that payments to small creditors, depositors and small scale industries also stand freezed and have not been made for many years. In various cases, unauthorised payments have been made to large scale suppliers, while *bona fide* units, genuine depositors, share holders and small scale units whose total dues are not over Rs. 2 lakhs are denied the relief and payments of their dues and liabilities; not even small instalments of payments are made resulting in great hardship, suffering and financial crisis to the small scale industries and genuine depositors.

Thus the operation of the Act which, in the public interest, is meant to save sick industrial units, is resulting in and becoming the cause of suffering for several small scale industries, genuine depositors, suppliers and share holders because they are denied payments even in instalment or in part. In order to reduce financial burden on sick industrial units, under Government control, the proposed amendment provides for part payment, payment in instalments, with a ceiling of rupees twenty-five thousand each at a time.

At the same time, it is also sought to protect small scale industries, ancillaries and suppliers who are suffering and getting into financial crisis.

NEW DELHI;
January 22, 1980.

VASANT KUMAR PANDIT.

BILL No. 19 of 1980

A Bill further to amend the Pharmacy Act, 1948.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Pharmacy (Amendment) Act, 1980. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.
2. In the Pharmacy Act, 1948 (hereinafter referred to as the principal Act), in section 2, part (d) shall be omitted. Amendment of section 2.
3. In the principal Act, in section 3, in part (g), for the words "from amongst themselves" the words "from amongst the persons elected under section 18(a)" shall be substituted. Amendment of section 3.

Omission
of section
15A.

4. Section 15A of the principal Act shall be omitted.

Omission
of section
15B.

5. Section 15B of the principal Act shall be omitted.

Amend-
ment of
section
32A.

6. In the principal Act, in section 32A, in sub-section (1),—

(i) for clause (d), the following clause shall be substituted, namely:—

(d) the names of persons who carry on the business or profession of pharmacy in the State, and

(i) have passed an examination conducted by the State Government according to the syllabus prescribed by a State Council;

(ii) have been engaged in the compounding of drugs for a period of five years on the prescriptions of registered medical practitioners without having passed the Senior School Leaving Certificate or its equivalent examination prior to a date to be notified in the Gazette of India and have enrolled their names with the State Pharmacy Council, on a payment of fee of rupees five, to appear in the examination to be conducted by the State Government in accordance with rules and conditions that may be laid for this purpose by the State Government, at least six months prior to the date fixed for such examination;

(ii) After clause (d), the following clauses shall be inserted, namely:—

“(dd) the names of persons holding degrees of the statutory universities in Pharmaceutical Sciences provided they apply prior to the date notified under clause (d).

(ddd) the names of persons holding degrees other than those of pharmacy and who are not pharmaceutical licensees but are approved by the licensing authorities prior to the date of publication of this Act in the Official Gazette.”

Amend-
ment of
section
42.

7. In the principal Act, in section 42, after sub-section (1), the following sub-section shall be inserted, namely,—

“(1A) No person shall be employed by any institution, pharmaceutical concern or by the Central Government or a State Government, to the post for which qualifications of pharmaceutical sciences are required, unless he is registered under this Act.”

STATEMENT OF OBJECTS AND REASONS

Under the existing Pharmacy Act, 1948, only persons who are engaged in practising the profession i.e. working in pharmacies and chemists and druggists along with repatriates and displaced persons have been allowed to be registered.

But persons working in the following institutions have been completely left out.

(1) Hospitals and dispensaries, medical centres, mobile dispensaries and hospitals of State and Central Governments including Railways and E.S.I.S.,

(2) Hospitals, dispensaries, mobile dispensaries of Charitable institutions,

(3) Hospitals, Dispensaries and mobile dispensaries of Local-self Governments,

(4) Factories and other establishments dispensaries and hospitals, and

(5) Dispensaries and hospitals of Private Registered Medical Practitioners.

Thus, it will be seen that a great number of persons are left out. This causes injustice and hardships to such persons. For want of enough registered pharmacists, Governments overlook the Pharmacy Act. While appointing people who are neither sufficiently qualified nor registered, the need to recognise them due to their long experience and actual training has arisen. This Bill seeks to give them a test and examination so that they can be recognised to get registration. This will also save them from illegal appointments in contravention of the Act.

For example, the statements about Maharashtra State will give an idea as to what will happen after 1981 if no provision is made to absorb the persons already in the line or profession. Secondly, all these persons will be thrown out of the profession and be unemployed, if they are not registered.

So far only four States have enforced prohibitive Section 42 of Pharmacy Act, 1948, and even then they are contravening the Pharmacy Act by allowing persons approved under Rule 65 of the Drugs and Cosmetics Rules, 1945, to dispense drugs and medicines on the prescriptions of Registered Medical Practitioners.

Hence the Bill.

VASANT KUMAR PANDIT

NEW DELHI;
January 22, 1980.

BILL No. 20 OF 1980

A Bill to provide for raising of existing maximum age limit for entry into Government service and for payment of unemployment allowance.

Enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Government Service (Age Limit) and Unemployment Allowance Act, 1980.

Maxi-
mum age
limit
for
appoint-
ments
to servi-
ces and
posts in
Govern-
ment.

2. (1) The maximum age limit for appointments to Government services and posts shall be two years lower than the age of retirement from such service or post.

(2) All laws in force immediately before the commencement of this Act in so far as they are inconsistent with the provisions of sub-section (1) of this section, shall, to the extent of such inconsistency, be void.

Payment
of unem-
ployment
allowance.

3. Every unemployed person of the age of 18 years or above shall be paid an unemployment allowance to be determined by the Government.

STATEMENT OF OBJECTS AND REASONS

The number of unemployed persons in India was assessed at two crores and sixty lakhs in March, 1978 according to the draft Sixth Five Year Plan. But these are Government statistics and the actual number of unemployed may be more than five crores. By and large the number of unemployed persons is going up by sixty five to seventy lakhs every year and their number will touch the figure of ten crores in the next five years.

The frustration and discontent in the youths in India caused by unemployment may not be found anywhere else. Today thousand of frustrated youths of the country are treading on wrong path. The failure of non-violent means culminates in violence.

Today the youth is groping in the dark. The youngmen nearing the maximum age limit for entering into service count their days like a convict awaiting execution. He knocks at the doors of the political leaders as well as of the officers. He takes recourse to offering money for gaining employment and when in spite of it he fails to get employment, he is disappointed. Many such youths neglected by the society and their families even commit suicide.

It is the moral obligation of a popular Government to grant right of work to its citizens, failing which the maximum age limit for appointments in Government service should be raised to an age two years lower than the age of retirement. When one can continue in Government service till fifty-five or fifty-eight years of age, why a person cannot enter Government service at fifty-three years.

Government should also pay unemployment allowance to all unemployed persons above eighteen years of age. In a number of countries such as U.S.S.R., China, Iraq, Hungary, Japan, etc. right to work has been provided under the Constitution, and unemployment allowance is paid in more than thirty-four countries.

It is hoped that this Bill will serve as beacon light for the youths facing a dark future.

Hence this Bill.

NEW DELHI;
January 22, 1980

RAM VILAS PASWAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of unemployment allowance to every unemployed person of the age of 18 years or above. Since expenditure on payment of unemployment allowance to unemployed persons in Union territories will be met by the Central Government as also grants-in-aid will have to be made to the State Governments on this account, a recurring expenditure of about Rs. 1000 crores is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL No. 25 OF 1980

A Bill to repeal the Special Courts Act, 1979.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Courts (Repeal) Act, 1980.

(2) It shall come into force at once.

Short
title
and com-
mence-
ment.

2. The Special Courts Act, 1979 is hereby repealed.

Repeal of
Act 22 of
1979.

STATEMENT OF OBJECTS AND REASONS

In view of the recent judgement of Delhi High Court quashing the prosecution of Shrimati Indira Gandhi for her failure to take oath before the Shah Commission and also in view of the fact that the judgement enumerates 12 grounds substantiating that the Shah Commission has exceeded its authority, the whole Shah Commission's Report has become infructuous and there is urgent need for liquidating the Special Courts constituted as a follow up action of Shah Commission Report.

Hence this Bill for abolishing the Special Courts.

NEW DELHI;
January 22, 1980.

K. T. KOSALRAM

BILL No. 24 OF 1980

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1980. Short
title and
com-
mence-
ment.
- (2) It shall come into force within sixty days of its enactment.
2. In article 326 of the Constitution, for the word "twenty-one", the word "eighteen" shall be substituted. Amend-
ment of
article
326.

STATEMENT OF OBJECTS AND REASONS

The Bill proposes to amend the Constitution to enable those who have reached the age of eighteen years to vote in the elections to the House of the People and the Legislative Assemblies of the States. Eighteen years is generally deemed as the age when a person attains maturity and is considered to be responsible for his own actions in the eyes of the law.

In many countries of the world, persons who have reached eighteen years of age are permitted to vote in the elections to the legislatures. The purpose of the Bill is to confer similar rights on the youth of India.

NEW DELHI;

GEORGE FERNANDES,

January 21, 1980.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to enable persons who attain the age of 18 years to vote in the elections to the House of the People and the Legislative Assemblies of the States. It would involve additional financial expenditure on preparation of electoral rolls, etc. Though it may not be possible to estimate the exact amount required for this purpose, a recurring expenditure of Rs. 50 lakhs is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

BILL No. 21 OF 1980

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

- | | |
|---|-------------------------------|
| 1. (1) This Act may be called the Constitution (Amendment) Act, 1980. | Short title and commencement. |
| (2) It shall come into force at once. | |
| 2. After article 46 of the Constitution, the following article shall be inserted, namely:— | Insertion of new article 46A. |
| “46A. The State shall take every measure to loosen the hold of caste on Indian society till the system of castes disappears altogether and shall give preference in recruitment to public employment to those persons who marry outside their own castes.”. | Abolition of castes. |

STATEMENT OF OBJECTS AND REASONS

The caste system has been the principal bane of Indian society. It negates all principles of equality and distinguishes one human from another solely because of their parentage. This division based on caste has emasculated Indian society for over 5,000 years and continues to do so till now. A country whose society seeks to erect barriers among its own people cannot hope to develop a united will which can help it to build a nation that can grow in strength and vitality. The social ossification brought about by the caste system has to be broken and this is possible mainly through inter-caste marriages. The State must make special efforts to encourage such inter-caste marriages and one way of doing this is to provide preference in recruitment to public employment to persons who marry outside their castes.

2. The Bill seeks to achieve the above object.

NEW DELHI;

GEORGE FERNANDES.

January 21, 1980.

BILL No. 18 OF 1980

A Bill further to amend the Aligarh Muslim University Act, 1920.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Aligarh Muslim University (Amendment) Act, 1980.

Short
title and
commen-
cement.

(2) It shall come into force at once.

49 of 1920. 2. In section 2 of the Aligarh Muslim University Act, 1920, for clause (1), the following clause shall be substituted, namely:—

Amend-
ment of
section 2.

“(1) ‘University’ means the educational institution of their choice established by the Muslims of India which originated as the Moham-madan Anglo-Oriental College, Aligarh and which was subsequently incorporated as the Aligarh Muslim University.”.

STATEMENT OF OBJECTS AND REASONS

The Aligarh Muslim University Act, 1920 was enacted to establish and incorporate a teaching and residential Muslim University at Aligarh. One important aspect of the establishment of this university remains unexpressed, viz. that this university was established at the instance of the Muslims of India which aspect, it is felt, should be made explicit in the Act. For this, the definition of "University" in the Act requires to be clarified.

The Bill seeks to achieve this object.

GEORGE FERNANDES.

NEW DELHI,
January 21, 1980.

AVTAR SINGH RIKHY,
Secretary.